IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH

S.B. CRIMINAL MISC. PETITION NO.1885/07

Smt. Indira **Versus** State

DATE OF ORDER :: 15/11/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Naseem Uddin Qazi, for petitioner
Mr. Arun Sharma, Public Prosecutor

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Instant petition has been filed assailing order dated 13th August, 2007 whereby learned trial Judge framed charges against petitioner for offence u/ss.420, 120B, 471 & 218 IPC and the revision petition preferred against the said order was partly allowed and she was discharged so far as offence u/s.218 IPC is concerned, vide order dated 17th September, 2007.

FIR was registered against accused-petitioner on 23rd September, 2002 at Police Station Nayapura, Kota in which it was alleged that she submitted a false certificate with respect to her medical leave of 110 days for the period commending from 19th March, 2002 to 7th July, 2002 which was produced by her before the competent authority. After investigation, challan was filed and finally she was charged for offences as referred to supra vide order dated 13th August, 2007. Revisional Court while examining the submissions made, observed that there is no prima

facie evidence came on record which can substantiate the charge framed against her u/s.218 IPC and looking to false medical certificate which was intentionally submitted and the material came on record in investigation, certainly substantiates with respect to charges framed u/ss.420, 471 & 120B IPC.

Contention of counsel for petitioner is that no offence u/s.420 IPC is made out in the facts of instant case and he has tried to convince this court that even the Medical Officer who has issued the certificate has also given statement during the course of inquiry in regard to her signatures. In such circumstances, very framing of charges against her is not legally sustainable. It has come on record, particularly, in the order of Revisional Court that during investigation the Medical Officer has denied so far as signature is concerned and it was sent for FSL as well and in such circumstances, no finding at this stage can be recorded and this can be her defence which cannot be considered and examined at this stage.

Consequently, this court finds no substance in the misc. petition, the same stands dismissed.

[AJAY RASTOGI],J.